

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF WASHINGTON

9 LAUREL A. JOHNSON,

10 Plaintiff,

11 v.

12 JO ANNE B. BARNHART,
13 Commissioner of Social
14 Security,

15 Defendant.

)
) No. 04-CV-00463-MWL

)
) ORDER FOR STIPULATED REMAND

16 The parties have filed a stipulation for remand of the above
17 captioned case to the Commissioner for further administrative
18 proceedings. (Ct. Rec. 18). The parties have consented to proceed
19 before a magistrate judge. (Ct. Rec. 4). After considering the
20 stipulation

21 **IT IS ORDERED** that the above -captioned case be remanded to the
22 Commissioner for further administrative proceedings. Upon remand,
23 the Administrative Law Judge (ALJ) will follow the sequential
24 evaluation process for cases involving drug abuse or alcoholism, and
25 determine first whether Plaintiff is disabled considering all of her
26 impairments, including substance abuse, and if so, whether substance
27 abuse is material to the finding of disability. The ALJ will
28 further evaluate whether Plaintiff has a severe mental impairment

absent substance abuse. This evaluation will include further consideration of the opinions of Edward T. Beaty, Ph. D., and James E. Bailey, Ph.D., both State agency psychological consultants. The ALJ will also give further consideration to the testimony of Allen D. Bostwick, Ph.D., regarding the materiality of substance abuse (and specifically consider the inconsistency in his opinion), and whether Plaintiff had a severe mental impairment prior to June 2001. The ALJ will obtain supplemental medical expert testimony regarding Plaintiff's mental status and the materiality of substance abuse, and if warranted, regarding Plaintiff's orthopedic impairments(s). The ALJ will obtain supplemental vocation expert testimony, if warranted. The ALJ will also consider the lay statements (Tr. 324-29) and further consider the recommendations of Michael J. Carraher, M.D. (Tr. 362-63), and provide rationale for the weight accorded to that evidence.

The court reverses the Commissioner's decision under sentence four of 42 U.S.C. 405(g) with a remand of the cause to the Commissioner for further proceedings. See *Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

IT IS FURTHER ORDERED: Judgment shall be entered for the **PLAINTIFF**. An application for attorney fees may be filed by separate motion. The District Court Executive is directed to enter this Order, forward copies to counsel, and thereafter shall close this file.

DATED this 20th day of September 2005.

S/Michael W. Leavitt
MICHAEL W. LEAVITT
UNITED STATES MAGISTRATE JUDGE